

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ADRIAN MARTINEZ,

Petitioner,

vs.

DOUGLAS COUNTY BOARD OF
MENTAL HEALTH, MICHAEL D.
MCCLELLAN, Chairperson;
MICHELLE MILLER-MCCOY,
Chairperson; ERIC W. WELLS, #23694
Deputy County Attorney; DR. JEFF
MELVIN, Ph.D #334, Licensed
Psychologist; and DOUGLAS COUNTY
PUBLIC DEFENDERS OFFICE,

Respondents.

8:20CV271

MEMORANDUM AND ORDER

ADRIAN MARTINEZ,

Petitioner,

vs.

TOM BARR, Hospital Administrator;
KRIS BOE SIMMONS, Clinical Program
Manager; DR. STEPHEN O'NEILL, MD
Clinical Director, Staff Psychiatrist;
DIANE SCHUMAKER, PAC; DR.
MARGARET DONOVAN, Ph.D
Director of Psychology; DR. JEAN A.
LAING, Ph.D Clinical Psychologist; and
TABETHA E. WAGGONER, LCSW,
MSW, LMHP Sex Therapist;

Respondents.

8:20CV272

MEMORANDUM AND ORDER

ADRIAN GUTIERREZ MARTINEZ,

Petitioner,

vs.

SHERI DAWSON, MARK
LABOUCHARDIER, TOM BARR,
Hospital Administrator; NORFOLK
REGIONAL CENTER, KRIS BOE
SIMMONS, Clinicial Program Manager;
MD DOUET CHE, Staff Psychiatrist,
Acting Clinical Director; BEV
LUEGHEN, LISNHP, Sex Offender; and
GROUP FACILITATOR,

Respondents.

8:20CV408

MEMORANDUM AND ORDER

In each of the above-captioned cases, Petitioner Adrian Martinez has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner filed his petitions in Case Nos. 8:20CV271 and 8:20CV272 on the same day, July 7, 2020, and labeled the petitions as “Part I” and “Part II” respectively. (Filing 1, Case No. 8:20CV271; Filing 1, Case No. 8:20CV272.) Petitioner filed the petition in Case No. 8:20CV408 on October 8, 2020, and labeled it “Part II Supplementary Petition.” (Filing 1, Case No. 8:20CV408.) In each case, Petitioner challenges his civil commitment by the Mental Health Board of Douglas County, Nebraska and seeks release from his present confinement in the Norfolk Regional Center.

A review of the petitions clearly indicates that the above cases arise out of the same state court judgment and should not proceed as separate cases. Moreover, the court believes Petitioner’s petition in Case No. 8:20CV408 is more properly construed as a supplemental petition intended for filing in Case Nos. 8:20CV271 and 8:20CV272. (*See* Filing 1 at CM/ECF p. 3, Case No. 8:20CV408.) Accordingly,

IT IS ORDERED that:

1. On the court's own motion, Case No. 8:20CV271 and Case No. 8:20CV272 shall be in all respects consolidated. Case No. 8:20CV271 shall be designated the lead case and all future filings shall be made in that case.
2. Neither Case No. 8:20CV271 nor Case No. 8:20CV272 shall be terminated for statistical or other purposes until a final judgment is entered in case 8:20CV271.
3. The clerk of the court is directed to file the petition in Case No. 20CV408 (filing 1, Case No. 8:20CV408) as a supplemental petition in Case No. 8:20CV271 and Case No. 8:20CV272.
4. The clerk of the court is directed to close Case No. 8:20CV408 for statistical purposes.
5. The court shall consider the petitions filed in all three cases when conducting initial review of the consolidated cases.

Dated this 14th day of January, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge